

Attorney General promised to provide financial and legal support in defending against the lawsuit but failed to do so.

GOVERNOR'S
REASONS
FOR VETO:

The Governor said the allegations giving rise to HCR 137 were prohibited by VACS art. 4411, and that to enact the resolution would set a bad precedent.

SPONSOR'S
VIEW:

Rep. Hudson was unavailable for comment.

NOTES:

VACS art. 4411 says that no admission, agreement or waiver made by the Attorney General in a suit or action in which the state is a party shall prejudice the rights of the state.

Permission for Black Gold Express to sue the state
(HCR 235 by Wright)

DIGEST:

HCR 235 would have granted permission for Black Gold Express Company to sue the state and the Port of Houston Authority. Black Gold Express alleged that it had delivered a 20-foot chassis to the Port of Houston Authority for use in loading a container onto a ship, and that the the Authority failed to return the chassis. When the company filed suit against the Port Authority, the Attorney General responded that the company must obtain legislative permission to sue.

GOVERNOR'S
REASONS
FOR VETO:

The Governor said since the resolution involved a dispute between Black Gold Express Company and the Port of Houston Authority, the state had no connection or involvement with this lawsuit. He said the resolution would needlessly have exposed the state to liability and required the Attorney General to defend a suit where there was no cause of action against the state.

SPONSOR'S
VIEW:

Rep. Wright was unavailable for comment.

NOTES:

The attorney for Black Gold Express Company said that while there was some question whether the Port of Houston Authority is a political subdivision of the state, the Attorney General is evidently of the belief that it is, and court precedents are available to support that view. He said the company is caught

between the Attorney General's position that the company must obtain permission from the Legislature to file suit and the Governor's position that the State of Texas is not involved.

Directing Texas Coastal and Marine Council research
(SCR 100 by Truan)

DIGEST: The resolution would have directed the Texas Coastal and Marine Council to investigate whether Texas ports could provide solid-waste receptacles for commercial ships in order to reduce litter in the Gulf and on Texas beaches. The council would have been directed to contact the ports, commercial ship lines, and state and federal agencies, and to report its findings to the 70th Legislature.

GOVERNOR'S
REASONS
FOR VETO:

The Governor said the resolution had been rendered inoperative because the 69th Legislature allowed the Texas Coastal and Marine Council to expire under the provisions the Sunset Act.

SPONSOR'S
VIEW:

"You can't require an agency to do something when that agency has been sunsetted by the Legislature," Sen. Truan said of the veto. Truan said his gripe was not with the Governor, but with "those shortsighted ignoramuses who couldn't understand that removing all funds from the marine council would jeopardize our interests on the coast." Maintaining clean beaches is crucial to the state's multi-billion-dollar tourist industry, he said.

NOTES:

Sen. Truan is recommending that the Governor create, by executive order, an interagency council to assume the marine council's responsibilities for coastal matters. The agencies involved would be the Department of Parks and Wildlife, the General Land Office, and the State Department of Highways and Public Transportation.